

REMARKS

Claim Objections

Claims 7, 8 and 11 were objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. These claims all have been amended to state "part, but not all". It is submitted that the claims now all meet the requirements of 37 CFR 1.75.

The Examiner also cautioned Applicants against using the terms "wherein" and "whereby" and "when" throughout the claims, since the language allegedly raises questions as to whether the steps claimed are optional. Applicants have amended the claims where necessary to remove many of these words. For the most part, however, the use of the word "wherein" has been left in the claims since it is believed that the word is used properly. As noted in MPEP 211.04, "the determination of whether each of these clauses is a limitation in a claim depends on the specific facts of the case". Applicants believe that in all instances where the word "wherein" remains in a claim, use of the word is proper.

Claim Rejections Under 35 USC § 103

Claims 1, 7, 10, 13 and 14 stand rejected under 35 USC § 102(e) as being anticipated by Graunke US 2003/0005285 in view of Meffert US 2002/0059144. While the Examiner has stated that these claims are rejected under 35 USC 102(e), it is believed that this is a typographical error since the third paragraph on page 4

rejects the claims as being obvious over the combination of Graunke and Meffert. It is therefore believed that these claims stand rejected under 35 USC § 103(a).

Claims 8 and 11 stand rejected under 35 USC 103(a) as being unpatentable over Graunke in view of Meffert and Van Eck US. Patent No. 4,669,117. Claims 9 and 12 stand rejected under 35 USC 103(a) as being unpatentable over Graunke in view of Meffert and Virga US. Patent No. 5,321,749.

For the reasons set forth hereafter, it is submitted that the claims, as amended, patentably distinguish over the prior art.

Examiner's Response to Arguments

In the Response to Arguments portion of the Office action on page 2, the Examiner states that he disagrees with Applicant's argument "that Meffert teaches that the entire 'contents' are encrypted in Meffert". In disagreeing, the Examiner states that Meffert teaches an Mp3 file, all of which is considered digital content. The Examiner further states that the portion of Meffert that remains unencrypted is not only the header and tags, but also an audio message that a user may play without decrypting the rest of the contents and refers to Fig. 6.

Applicants again assert, however, that in Meffert that the entire contents are encrypted. The Examiner's attention is directed to Fig. 6 of Meffert where the right hand portion of the figure states that "All Audiovisual frames " are encrypted.

Patentability of the Claims

The independent claims have all been amended to recite “an encryption processing device for performing an encryption process on a part, but not all, of a digital content, which is an object to an audiovisual sense, and is divided into a plurality of blocks, one or some of which is encrypted and a remainder of which is unencrypted...”. By dividing a part of the digital contents, which is an object to an audiovisual sense, into the blocks to be encrypted and the blocks not to be encrypted, it becomes possible to make the whole image visible while only a part of the image is contaminated, as shown for example, in Fig. 6B of the present application.

In addition, the dependent claims have been amended to recite “whether each is block is encrypted, is controlled for each block”. By controlling whether or not to encrypt each block, respectively, it becomes possible to check the contamination level and control how visible an image should be.

It is submitted that the claims, as now amended, patentably distinguish over the prior art discussed hereafter.

The present invention is directed to an apparatus and method for distributing the digital content from a digital content distributing apparatus to an information processing apparatus and outputting the distributed digital content by an output unit. More specifically, the invention relates to such an apparatus and system whereby the data is only partially encrypted whereby an image or sound file is visibly recognizable or audible but of such quality that a copy would be of little value. Thus,

with the present invention, when the digital content is a content outputted from an outputting device to be distributed to an audience, by display of images or reproduced music, if there is no authorized decryption key found, part of the content is encrypted before being outputted. See claims 2, 3 and 4.

When the target of the data content output is a display device, the part of the content to be encrypted is performed by encrypting a line, column, or part of a prescribed pixel. See claims 8, 9, 11 and 12.

Data format for image or music content requires a unique data structure. When such data structure is ignored and if a data content file is encrypted from the beginning to an end of the data file, the content of the file cannot be decrypted because the content decoder cannot interpret the encrypted data at all. Accordingly, the content of the data file cannot be viewed or heard at all. In order to make it possible for at least part of the data content of a file to be heard or viewed without permitting hearing or viewing of the entire data file, the present invention adopts a format which encrypts part of the data structure in units of data structure so as to avoid destruction of the data structure. Accordingly, individual portions of the data structure can be viewed or heard without permitting viewing or hearing of the entire data structure. Thus, the present invention provides an apparatus and method which provides only a display of the data content partly encrypted unless a user has an authorized encryption key for information when the content output device outputs a content such as an image display or reproduced music. See claims 5, 6 and 7.

With respect to the prior art cited in the rejection of the claims, the Graunke '285 reference describes a system in which a first encryption key decrypts an encrypted digital data while a second key re-encrypts the decryptive data. Graunke, however, does not disclose the important feature of the present invention in which only a part of the data content is encrypted so that only a part of the image and/or sound content of the file can be seen or heard but the entire content of the data file may not be seen or heard. The Examiner acknowledges on page 4 of the action that "Graunke fails to teach an encrypted file with an unencrypted portion".

The Meffert '144 reference was cited as teaching "encrypting a content file while leaving a portion unencrypted." The van Eck '117 reference was cited as teaching "encrypting video by line" and the Virga '749 reference was cited as teaching "encrypting video by pixel."

In Meffert, the unencrypted part is only an attribute, i.e., an "audio message" as described in paragraph [0101] and illustrated in Fig. 6, while the entire contents themselves are all encrypted. As previously noted, Fig. 6 of Meffert shows that "All Audio frames" are encrypted. Due to this feature, a listener is not able to listen to the contents at all. Van Eck discloses a data encryption performed by line replacement of the display data while Virga discloses a data encryption technique attained by replacing the display data in unit of pixel. None of these latter three cited references, however, discloses the features of the present invention that provide a construction which outputs partly encrypted content for the purposes of preventing visualizing and/or hearing of the entirety of the data content.

In any event, there is no teaching, suggestion or motivation in any of the references relied upon, of combining their alleged teachings in the manner done so by the Examiner to find Applicants' invention obvious.

Accordingly, it is submitted that the claims, as now amended, patentably distinguish over the prior art, taken either alone or in combination.

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. TSM-17).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

A handwritten signature in cursive script, reading "Gene W. Stockman", written over a horizontal line.

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